

### **Remarks**

This amendment is in response to the office action dated November 12, 2008. Claims 1, 2, and 4-13 have been amended, claims 14-20 have been added, and claim 3 has been canceled. Applicant respectfully requests reconsideration in view of the following remarks.

Claims 1-13 have been rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claim 1 has been amended to remove the "especially..." phrase objected to by the Examiner. As amended, claim 1 recites a system for transporting bulk. Claims 5-13 have been amended to fix the preambles and remove any double recitations. Specifically, claims 5-13 now all refer to "a system."

Accordingly, Applicant requests the withdrawal of the rejections under 35 U.S.C. 112 to claims 1-13.

Claims 1-4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,585,115 to Reddoch et al., herein after "*Reddoch*," in view of US Patent No. 7,745,856 to Simpson et al., herein after "*Simpson*." Applicant respectfully requests reconsideration in view of the following remarks.

Claim 1, as amended, recites a system for transporting bulk. The system comprises a tank arranged below the deck of a ship having an upper substantially cylindrical part and a lower frustoconical part that ends in a substantially flat bottom, the bottom being limited on its periphery by a side wall of the frustoconical part and having an inner dome or cone arranged centrally thereon. A positive displacement pump is arranged at a level lower than that of the tank, the pump receiving and advancing the bulk through an unloading line with an essentially uniform cross section.

The system of *Reddoch* does not teach the invention of amended claim 1,

*Reddoch* does not teach a tank including an inner dome or cone arranged centrally on the flat bottom. Also, the pump of *Reddoch* does not receive and advance a bulk. Rather, it removes fluid from the fluid separator system 18 (which the Examiner equates with the tank of claim 1) which has been separated from the cuttings via a screen assembly 50 (Column 6, lines 51-65 and Fig. 6). This fluid is not the same as the bulk of claim 1. The apparatus of *Reddoch* is not meant to pump bulk material, it divides the fluid and the defluidized cuttings and then processes them individually. The fluid is sent to a fluid recovery box 120 and the relatively dry cuttings are discharged into a cuttings box 22, a truck 24, or a processing unit 26.

*Simpson* does not rectify the deficiencies of *Reddoch* to teach all the elements of claim 1. Furthermore, *Simpson* teaches away from the present invention by agitating the cuttings during transportation (Col. 5, lines 60-65), which the instant specification describes as disadvantageous (paragraph 0009 of the publication). This makes it inappropriate to combine *Simpson* and *Reddoch* to attempt to teach the invention of claim 1.

Accordingly, Applicant respectfully submits that claim 1 is patentable over *Reddoch* and *Simpson* under 35 U.S.C. 103(a) and requests the withdrawal of the rejection to said claim. Claims 2 and 4 are dependent on claim 1 and are therefore patentable for at least the reasons above, as well as for the following reasons.

Claim 2 recites that the unloading line is made from or has an internal coating of a material with a low friction coefficient. As described above, *Reddoch* does not pump a bulk and therefore would have little incentive to incorporate a low friction material in the lines because transmission of normal fluids does not necessitate such materials.

Claim 4 recites that the first pump has a feed screw with a greater feeding capacity than a second downstream feed screw. Once again, *Reddoch* would have no motivation to use such a system when pumping only the fluid from the cuttings, not the cuttings and the fluid.

Claims 14-20 have been added. Claims 14 and 15 are new dependent claims, moving the "gate valve" limitation out of claims 7 and 11 and into their own dependent claims.

The Examiner indicated that claims 5-13 would be allowable if rewritten to overcome the 35 U.S.C. 112, second paragraph rejections and to include the limitations of the base claims. Claim 16 is a new independent claim containing all of the limitations of claims 1 and 5 as they read prior to the present amendment, but with the 35 U.S.C. 112 issues addressed. Claim 16 should therefore be allowable. Claims 17-19 are similar to claims 6-8, but are dependent on claim 16. Since claims 6-8 have also been amended to address the 35 U.S.C. 112 issues, claims 17-19 should be allowable for at least the same reasons as claim 16.

Claim 20 is a new independent claim for a system for transporting bulk. comprises a tank with an upper substantially cylindrical part and a lower inwardly converging part, as well as a bottom. The bottom is limited on its periphery by the lower inwardly converging part and contains a convex dome in the center. A trough is defined between the periphery and the dome, and the trough includes an output orifice. An output unit is arranged within the tank to feed the bulk towards the output orifice, where it falls by gravity.

Similar to claims 1 and 16, *Reddoch* and *Simpson* do not teach a tank with a convex dome in the bottom of the tank, an output orifice contained between the periphery of the bottom and the convex dome, or an output unit arranged to feed the bulk towards the claimed output orifice. Also, *Reddoch* does not teach that the bulk fall by gravity, rather it uses an auger-like device. As discussed above, *Reddoch* teaches the separations of the bulk drill cuttings from the liquid, therefore he is not pumping a bulk. For at least these reasons, claim 20 is allowable.

Reconsideration and reexamination of the application is respectfully requested. Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved,

the Examiner is requested to telephone the undersigned at his convenience.

The Commissioner is hereby authorized to charge the two month extension of time and any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,  
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